

REMARKS

Status of the application

Claims 1-11 and 39-49 were examined and stand rejected in view of prior art. The claims have been amended to further clarify Applicant's invention. Reexamination and reconsideration are respectfully requested.

Prior art rejection

Claims 1-11 and 39-49 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Digidesign Pro Tools Reference Guide (hereinafter "Pro Tools"). The Examiner's courtesy of a telephonic interview for purposes of discussing amendments to the claims for overcoming the art rejection is greatly appreciated. Further to that discussion, Applicant's independent claims 1 and 39 have been amended.

In particular, the amended claims now include claim limitations that clarify that, with the invention of claims 1 and 39, a user can use a timeline component by clicking and dragging from a first point in the timeline to second point in the timeline to select material from **multiple audio tracks** of an audio file. The user can then perform an operation involving the selected multiple tracks "modelessly" – that is, without having to select a different tool from a toolbar in order to accomplish the operation. Support for the amendments to claims 1 and 39 can be found in at least paragraphs [0063]-[0069] of Applicant's application along with Figures 8, 9, 10, and 11 of the application.

Pro Tools does not satisfy either claim 1 or claim 39 as a whole. In Pro Tools, selections in a timeline are tied to only a **single** audio track (see e.g., Pro Tools, pages 209-210). In contrast, in Applicant's invention of claims 1 and 39, the timeline component is not tied to any particular audio track and can be used to generate a selection overlay of multiple audio tracks. Moreover, Applicant's invention of claims 1 and 39 allows the user to perform a modeless operation involving a selection of multiple audio tracks. In contrast, Pro Tools describes a modeless operation involving just a single audio track (see e.g., Pro Tools, page 237).

Based on discussion with the Examiner, it is understood that the amended claims appear to overcome the prior art by allowing a user to select multiple audio tracks using a timeline and by allowing the user to perform a modeless operation involving the selected multiple audio tracks, thus overcoming the present rejection under Section 103. (Applicant of course understands that an updated search may be performed.)

Any dependent claim not specifically discussed is believed to be allowable by virtue of dependency from Applicant's independent claims, as discussed above.

Conclusion

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: Aug. 6, 2009

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